



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/027,015
Applicant : Rama Akella
Filed : December 21, 2001
TC/A.U. :
Examiner :
Docket No. : 2026-00400
Customer No.:
For: Compositions and Method for Promoting Myocardial and Peripheral Angiogenesis

Confirmation No.
RECEIVED

JUN 02 2004

OFFICE OF PETITIONS

**REQUEST FOR RECONSIDERATION
OF DECISION DISMISSING PETITION**

Atty Docket No. SBI-094
Date: May 25, 2004

Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Decision on Petition mailed in the above-captioned case on March 25, 2004, Applicants submit herewith a complete reply to the Notice to File Missing Parts that was mailed on February 14, 2002 and hereby request that the Decision be reconsidered and that the Petition be granted. Specifically, the present Request includes:

- A copy of the Declaration that was filed in response to the Notice of Missing Parts,
- A set of Substitute Drawings,
- A computer readable Sequence Listing,
- A statement that the computer readable Sequence Listing is identical to the original sequence listing and contains no new matter, and
- A Preliminary Amendment amending the specification to reflect the afore-mentioned changes made with respect to drawings and the sequence listing.

Applicants believe that the document submitted herewith bring the application into conformity with the Rules and place it in condition for examination. Applicants therefore request that the Decision on the previously filed Petition be reconsidered and that the Petition be granted.

Respectfully submitted,

Marcella D. Watkins
Reg. No. 36,962
CONLEY ROSE, P.C.
P. O. Box 3267
Houston, Texas 77253-3267
(713) 238-8000
ATTORNEY FOR APPLICANT

MAY 27 2004
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/127,015
Filing Date	December 21, 2003
First Named Inventor	Rama Akella
Art Unit	*
Examiner Name	*
Attorney Docket Number	2026-00400

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JUN 02 2004

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ENCLOSURES (check all that apply)

- | | | |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input checked="" type="checkbox"/> Substitute Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<i>Request for Consideration of Decision Dismissing Petition; Copy of Declaration as filed with Response to Notice of Missing Parts; Sequence Listing (Diskette); Sequence Listing Statement; Preliminary Amendment</i> |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

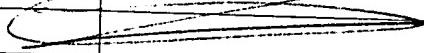
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual Name	Marcella D. Watkins 36,962
Signature	
Date	May 25, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name	Sandra K. Begley
Signature	
Date	May 25, 2004

126825.01/2026.00400

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Patents, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and selection option 2.

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PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL For FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** \$ *.⁰⁰**METHOD OF PAYMENT (Check all that apply)**
 Check Credit Card Money Order Other None
 Deposit Account:Deposit Account Number: 03-2769
Deposit Account Name: Conley Rose, P.C.**The Director is authorized to:** (check all that apply)

-
- Charge fee(s) indicated below
-
-
- Charge any additional fee(s) during the pendency of this application
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
-
-
- Credit any overpayments

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)	Fee	Fee	Fee Description	Fee Paid
1001 770	2001 385	Utility filing Fee			\$
1002 340	2002 170	Design filing fee			\$
1003 530	2003 265	Plant filing fee			\$
1004 770	2004 385	Reissue filing fee			\$
1005 160	2005 80	Provisional filing fee			\$

SUBTOTAL (1) \$**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Independent Claims	Extra Claims		Fee from below	Fee Paid
		*	**	= *	x
					86.00 = \$
					290.00 = \$ 00.00

Large Entity	Small Entity	Fee	Fee	Fee Description
Code (\$)	Code (\$)	Fee	Fee	Fee Description
1202 18	2202 9	Claims in excess of 20		
1201 86	2201 43	Independent Claims in excess of 3		
1203 290	2203 145	Multiple dependent claim, if not paid		
1204 86	2204 43	** Reissue independent claims over original patent		
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent		

SUBTOTAL (2) \$

** or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Marcella D. Watkins	Registration No. (Attorney/Agent)	36,962	Telephone	(713) 238-8000
Signature				Date	May 25, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-0PTO-9199 (1-800-786-9199) and select option 2.

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OFFICE OF PETITIONS

Docket No.
SBI-091

Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(LargeEntity)

In Re Application Of: Akella, et al.

Serial No.	Filing Date	Examiner	Group Art Unit
10/027,015	12/21/2001		3763

Invention:

COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

2/14/2002

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(LargeEntity)**

Docket No.
SBI-091

In Re Application Of: Akella, et al.

Serial No.	Filing Date	Examiner	Group Art Unit
10/027,015	12/21/2001		3763

Invention:

COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

Completion of application fees as calculated below:

- Utility application filing fee _____
- Design application filing fee _____
- Total number of independent claims = _____
- Total number of claims = _____
- Multiple dependent claims _____
- Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**
- Petition and fee for filing by other than all the inventors or a person not the inventor _____
- Fee for processing an application filed with a non-English language specification _____
- Fee for processing and retention of application _____

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month Two months Three months Four months Five months

from: 4/15/2002 Date 7/15/2002

Total time extension fees **\$920.00**

Total fees due **\$1,050.00**

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.
SBI-091

In Re Application Of: **Akella, et al.**

Serial No.
10/027,015

Filing Date
12/21/2001

Examiner

Group Art Unit
3763

Invention:

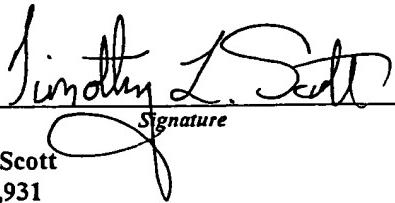
COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of **\$1,050.00** is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0473
A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
A duplicate copy of this sheet is enclosed.



Timothy L. Scott
Signature

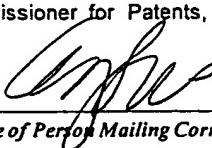
Dated: **July 2, 2002**

Timothy L. Scott
Reg. No. 37,931
Centerpulse USA Inc.
3 East Greenway Plaza, Suite 1600
Houston, Texas 77046

Phone: 713/561-6374
Fax: 713/561-6380

CC:

I certify that this document and fee is being deposited on **July 2, 2002** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Amy Lewis
Signature of Person Mailing Correspondence

Amy Lewis
Typed or Printed Name of Person Mailing Correspondence



TO THE UNITED STATES PATENT AND TRADEMARK OFFICE
Please stamp and return to our office. Thank you.

Mailed: July 2, 2002
My File: SBI-091
Applicant: Akella et al
Filing Date: 12/21/2001
Serial No.: 10/027,015
Title: COMPOSITIONS AND METHODS FOR
PROMOTING MYOCARDIAL AND PERIPHERAL
ANGIOGENESIS

Enclosed: Response to Missing Parts Dated February 14, 2002, 2-
Month Extension of Time, Executed Assignment and
Declaration, and Recordation.

BEST AVAILABLE COPY



DECLARATION FOR PATENT APPLICATION

As one of the below named inventor(s), I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS, (Atty. Docket # SBI-091), the specification of which is attached hereto.

I believe I am a joint inventor of the subject matter claimed.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, SEC. 1.56(a).

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, with power of substitution:

David S. Wise, Reg. No. 30,511
Kenneth S. Barrow, Reg. No. 36,085
Timothy L. Scott, Reg. No. 37,931
Christopher R. Kirby, Reg. No. 39,249
Philip S. Lyren, Reg. No. 40,709

Address all correspondence and telephone calls to:

Timothy L. Scott, Senior Intellectual Property Counsel
CENTERPULSE USA INC.
3 East Greenway Plaza, Suite 1600
Houston, Texas 77046
(713) 561-6374
FAX (713) 561-6380

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

DECLARATION SIGNATURE SHEET

Date

Citizenship: USA

5/31/02

Date

Citizenship: USA

Inventor's Signature

Rama Akella

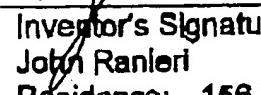
Residence: 8811 Splitarrow Drive
Austin, Texas 78717



Inventor's Signature

John Ranieri

Residence: 156 Westminster Drive
Atlanta, Georgia 30309





DECLARATION FOR PATENT APPLICATION

As one of the below named inventor(s), I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDINAL AND PERIPHERAL ANGIOGENESIS, (Atty. Docket # SBI-091), the specification of which is attached hereto.

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David S. Wise, Reg. No. 30,511
Kenneth S. Barrow, Reg. No. 36,085
Timothy L. Scott, Reg. No. 37,931
Christopher R. Kirby, Reg. No. 39,249
Philip S. Lyren, Reg. No. 40,709

Address all correspondence and telephone calls to:

Timothy L. Scott, Senior Intellectual Property Counsel
CENTERPULSE USA INC.
3 East Greenway Plaza, Suite 1600
Houston, Texas 77046
(713) 561-6374
FAX (713) 561-6380

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

DECLARATION SIGNATURE SHEET

June 26, 2002
Date

Citizenship: USA

Raina Akella
Inventor's Signature
Raina Akella
Residence: 8811 Splitarrow Drive
Austin, Texas 78717

Date

Citizenship: USA

John Ranieri
Inventor's Signature
John Ranieri
Residence: 156 Westminster Drive
Atlanta, Georgia 30309